

### **REMARKS**

This responds to the Office Action dated February 16, 2005, and the references cited therewith.

Claims 4-7, 21, 22, and 24 are amended. Claims 1-24, 32 and 33 are now pending in this application.

#### **§102 Rejection of the Claims**

Claims 1-3, 7, 21 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Beardall (U.S. Patent No. 1,182,961). Claim 7 has been amended to depend from allowable claim 5. Claim 21 has been amended to include the subject matter of allowable claim 22. Claim 23 depends from claim 21.

Regarding claims 1-3, Applicant traverses the rejection since the cited reference does not teach each and every claim element arranged as in the claim. "Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984). For instance, the cited reference does not include a "weed contacting member freely hanging down from a support member located at a surface of the body of water such that the weed contacting member repeatedly brushes against any weeds in the bed of weeds."

In contrast, the cited reference describes a device for land application. The plow of the reference rotates to plow rows so as to drain away the water. The plow is described such that it "will operate to plow up and throw the land;" and "blades *e* turn with the beam in the same manner as the plowshares and cut any grass, weeds, or vines." (Page 2, lines 63-64). This is not the same as a weed contacting member that freely hangs down and is configured to repeatedly brush against any weeds in the bed of weeds, as claimed. A rigid blade to cut grass and weeds would not work if it was freely hanging down, nor does it brush the weeds.

Claim 2-3 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

*Allowable Subject Matter*

Applicant acknowledges the allowance of claims 8-20, 32 and 33.

Claims 4-6, 22 and 24 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4-6 and 24 have been rewritten as independent claims. Claim 21 has been rewritten to include the subject matter of claim 22.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

KEVIN R. KRETSCH

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 359-3267

Date 5/13/05

By Peter C. Maki

Peter C. Maki

Reg. No. 42,832

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13 day of May, 2005.

Paula Suchy

Name

Paula Suchy

Signature